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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,048	09/17/2003	Jurgen Wafzig	ZAHFRI P548US	5485
20210	7590	11/16/2004	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			LEWIS, TISHA D	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/665,048

Applicant(s)

WAFZIG ET AL.

Examiner

TISHA D. LEWIS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

The following is a first action on the merits of application serial no. 10/665,048 filed on September 17, 2003.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The information disclosure statement filed on September 17 and November 3, 2003 have been acknowledged.

#### ***Claim Objections***

Claim 12 is objected to because of the following informalities:

-It is unclear as to how the last line of claim 12 is worded, seems to be incomplete. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the driven shaft" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 recites the limitation "the sun wheel" in lines 2 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the motor shaft" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the driven shaft" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the sun wheel" in lines 8, 9 and 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the driven shaft" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the sun wheel" in lines 2 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the ring gear" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the second disc pair" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the motor revolutions" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the driven shaft" in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by DE

10021912A1. As to claim 7, DE discloses a variator (33) and a first and second planetary gears (34, 51) wherein the variator and planetary gears are coaxially arranged one behind another.

As to claim 8, DE discloses a power flow from the variator to the first planetary to the second planetary to a driven shaft (32).

As to claim 9, DE discloses the first planetary located between a disc pair (85, 86) of the variator (Figures 17-20).

As to claims 10, 13 and 14, DE discloses a first torus (85) directly connected to a motor shaft (31), a second torus (86) connected to the motor shaft through a flange (carrier) of the first planetary and the motor shaft connected to a flange (sun gear) of the second planetary across the first planetary.

As to claims 11, 13 and 15, DE discloses output of the variator sent to a sun wheel (39) of the first planetary, output from the first planetary sent across a ring gear (45) of the first planetary to a sun gear (56) of the second planetary and the combined output of the variator and motor shaft is sent across a ring gear (55) of the second planetary to a driven shaft (32).

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As to claim 12, DE discloses a geared neutral characteristic due to no shifting elements needing to be used (Figures 1-3).

Claims 7-11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wooden ('907). As to claim 7, Wooden discloses a variator (16) and a first and second planetary gears (90, 18) wherein the variator and planetary gears are coaxially arranged one behind another.

As to claim 8, Wooden discloses a power flow from the variator to the first planetary to the second planetary to a driven shaft (14).

As to claim 9, Wooden discloses the first planetary located between a disc pair (70, 72) of the variator.

As to claims 10, 13 and 14, Wooden discloses a first torus (66) directly connected to a motor shaft (12), a second torus (68) connected to the motor shaft through a flange (between sun gear 92 and 38) of the first planetary and the motor shaft connected to a flange (between 92 and 38) of the second planetary across the first planetary.

As to claims 11, 13 and 15, Wooden discloses output of the variator sent to a sun wheel (92) of the first planetary, output from the first planetary sent across a ring gear (96) of the first planetary to a sun gear (38) of the second planetary and the combined output of the variator and motor shaft is sent across a ring gear (40) of the second planetary to a driven shaft (32).

#### **FACSIMILE TRANSMISSION**

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 872-9326 before final and 703-872-9327 after final.**

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Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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Typed or printed name of person signing this certificate:

\_\_\_\_\_

\_\_\_\_\_

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These are possible 102(b) references that should also be reviewed by applicant.

-DE 3441616A1, Hoge et al ('567) ('685), McIndoe et al ('532), Lohr ('372), Wittkopp ('178), de Brie Perry ('592), Justice et al ('415), Wafzig et al ('216), Haka

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('966), Fellows ('061), Stubbs ('952), Dodge ('491), Greenwood ('398), Schmidt ('477), Koga ('039) and Geiberger et al ('659, translation for DE 10021912A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl  
November 14, 2004

  
TISHA D. LEWIS  
PRIMARY EXAMINER  
Art 3681 11/14/04